

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

U.S.A. vs. Marvin Alexander Sutton, Jr.

Docket No. 5:07-CR-130-2D

Petition for Action on Supervised Release

COMES NOW Van R. Freeman, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Marvin Alexander Sutton, Jr., who, upon an earlier plea of guilty to 18 U.S.C. § 371, Conspiracy to Commit Bank Robbery, and 18 U.S.C. § 2113(a) and 2, Bank Robbery and Aiding and Abetting, was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge, on May 8, 2008, to the custody of the Bureau of Prisons for a term of 72 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Marvin Alexander Sutton, Jr. was released from custody on October 30, 2012, at which time the term of supervised release commenced.

On February 25, 2013, the court was informed the defendant tested positive for the use of marijuana on January 29, 2013. The court agreed to continue the defendant's supervision to allow him to continue his treatment program.

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**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

Our lab has now confirmed that the defendant again used marijuana on February 19, 2013, and March 1, 2013. He was confronted with this confirmation and informed any additional positive tests will result in a court hearing. He has submitted three negative tests since March 1, 2013, and is attending treatment regularly. As an intervention for his drug use, we would recommend that he be placed on home detention with electronic monitoring for a period of 60 days in lieu of the DROPS sanction. The home detention would afford him the opportunity to continue treatment and his job search, while giving our office an increased ability to control his activities. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 60 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

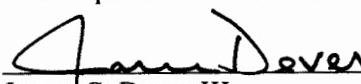
Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Van R. Freeman, Jr.
Van R. Freeman, Jr.
Senior U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: May 8, 2013

ORDER OF COURT

Considered and ordered this 8 day of May, 2013, and ordered filed and made a part of the records in the above case.



James C. Dever III
Chief U.S. District Judge